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STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF IONIA

KATHRYN A. BLETZ, Personal
Representative of the ESTATE OF
FRED ROGER BLETZ, DECEASED; and
KATHRYN A. BLETZ, individually,

Plaintiffs,

File No. 06-H-25214-NO

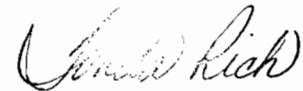
v

Honorable David A. Hoort

TRAVIS GRIBBLE, and
BRENT DENNY, individually,
jointly and severally,

Defendants.

A TRUE COPY



CLERK OF IONIA COUNTY

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FIRST AMENDED COMPLAINT

There is no other pending or resolved civil action
arising out of the same transaction or occurrence
as alleged in the Complaint.

NOW COME Plaintiffs, Kathryn A. Bletz, Personal Representative of the
Estate of Fred Roger Bletz, Deceased; and Kathryn A. Bletz, individually, by and

through her attorneys, *Sinas, Dramis, Brake, Boughton & McIntyre, P.C.*, and by way of her Amended Complaint against the above-named Defendants, says as follows:

GENERAL ALLEGATIONS

1. Fred Roger Bletz (hereinafter referred to as Fred Bletz or Mr. Bletz) was born on August 27, 1948 and died on May 4, 2005 at the age of 56 years.

2. At the time of his death, Fred Bletz was the husband of Plaintiff, Kathryn A. Bletz (hereinafter referred to as Kathryn Bletz or Mrs. Bletz), and had been so ever since he and she were lawfully married on June 7, 1975.

3. During the course of their marriage, Fred Bletz and Plaintiff, Kathryn Bletz, had two children, both of whom survive Fred Bletz and whose names and dates of birth are as follows: Zachary Wesley Bletz (hereinafter referred to as Zachary Bletz), date of birth: November 12, 1976 and Heather Marie Bletz, date of birth: May 7, 1978. In addition, Fred Bletz was also survived by his sisters, Ruthie Bletz and Sally Pelltier, and his brother, Bruce Bletz.

4. Plaintiff, Kathryn Bletz, has been duly appointed to serve as the Personal Representative of the Estate of Fred Roger Bletz, Deceased.

5. On May 3, 2005, Fred Bletz and his wife, Plaintiff, Kathryn Bletz, lived at their family residence located at 7799 Centerline Road, Boston Township, Village of Saranac, Ionia County, Michigan, and had resided together as man and wife at that address since 1984.

6. Defendant, Travis Gribble (hereinafter referred to as Defendant Gribble), is, and was at all times pertinent hereto, a resident of Boston Township,



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Ionia County, Michigan, and was, and still is, employed as a Sergeant Deputy Sheriff for the Ionia County Sheriff's Department.

7. Defendant, Brent Denny (hereinafter referred to as Defendant Denny), is, and was at all times pertinent hereto, a resident of the County of Ionia, State of Michigan; and was, and still is, employed as a Deputy Sheriff for the Ionia County Sheriff's Department.

8. During the evening hours of May 3, 2005, Fred Bletz, his wife, Plaintiff, Kathryn Bletz, and their son, Zachary Bletz, were at the Bletz family home located at 7799 Centerline Road, Boston Township, Village of Saranac, Ionia County, Michigan.

9. At approximately 10:30 p.m. on May 3, 2005, Fred Bletz and Plaintiff, Kathryn Bletz, retired to their bedroom for the evening while their son, Zachary Bletz, watched television at the family home.

10. On May 3, 2005 at approximately 11:40 p.m., Defendant Gribble and Defendant Denny, arrived at the Bletz family home located at 7799 Centerline Road, Boston Township, Village of Saranac, Ionia County, Michigan, for the purpose of placing Zachary Bletz under arrest pursuant to an outstanding bench warrant issued in Kent County on or about March 9, 2005, regarding the failure of Zachary Bletz to appear at a scheduled court proceeding in connection with an outstanding misdemeanor charge of operating a motor vehicle while under the influence of alcohol.



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11. Upon their arrival at the Bletz family home, Defendant Gribble and Defendant Denny walked up to the entrance door of the Bletz family home and began knocking on the door. When the knocking started, the Bletz family dog, which was inside the home, began barking loudly. Within a short time thereafter, Zachary Bletz came to the door, acknowledged the Defendants and identified himself as Zachary Bletz.

12. Immediately after Zachary Bletz identified himself, Defendant Denny told him of the outstanding warrant for his arrest, and in accordance therewith, stated it would be necessary for Zachary Bletz to immediately leave the family home in the custody of Defendant Denny.

13. After being told by Defendant Denny of the outstanding arrest warrant and the need to be taken into custody, Zachary Bletz offered no resistance of any kind and expressed his willingness to peacefully accompany the Defendants. Before leaving, Zachary Bletz was instructed by Defendant Denny and/or Defendant Gribble to go back into the Bletz family home to put on shoes before being transported away. Thereupon, Zachary Bletz, with the approval of Defendant Denny and Defendant Gribble went back into the home for the limited purpose of getting a pair of shoes.

14. As Zachary Bletz reentered the Bletz home to retrieve his shoes, Defendant Denny and Defendant Gribble followed him into the house. At the time the Defendants entered the Bletz home, the Defendants knew, or should have



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known that Mr. and Mrs. Bletz were inside their home and that neither of them posed any threat of any kind to the Defendants.

15. When the Defendants entered the Bletz home as aforesaid, the interior of the house was dark and poorly lit and the family dog continued barking loudly. In spite of those conditions, the Defendants did not identify themselves, nor did they turn on the interior lights of the home to make themselves visible and their identity as police officers apparent, nor did they do anything whatsoever to alert and/or apprise Mr. and Mrs. Bletz that law enforcement personnel had entered their family home.

16. When the Defendants entered the Bletz home as aforesaid, they ordered Zachary Bletz to secure the barking family dog in a back room, which orders Zachary Bletz promptly obeyed without any resistance. As he did so, the Defendants continued to keep the interior of the Bletz home dark and continued to take no steps to notify Mr. and Mrs. Bletz of their presence inside the home and their identity as police officers.

17. As Zachary Bletz was putting away the family dog in a back room as ordered by the Defendants, Fred Bletz, who had been in bed with his wife in the master bedroom immediately adjacent to the dining room, heard noises and commotion that caused him to conclude that intruders had broken into his family home. As a result, Fred Bletz took a handgun from a bed stand in his bedroom and stepped out into the dark dining room area which was approximately 15 feet from where Defendant Denny and Defendant Gribble were standing.



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18. As Fred Bletz stepped into his dining room with his handgun in hand to investigate who had intruded into his family home, he shouted out something to the effect, *"Who the hell are you? . . . What are you doing in my house?."* In response, Defendant Gribble drew his handgun, shined a high powered mag flashlight directly at Fred Bletz, and demanded several times that Fred Bletz drop his gun.

19. While Fred Bletz and Defendant Gribble continued shouting loudly at one another with their handguns pointed in the direction of each other, Zachary Bletz re-entered the room, perceived a volatile situation and, in an effort to avoid violence and to calm down Defendant Gribble, yelled out to Defendant Gribble that the person he was illuminating with his flashlight and pointing his gun at was his father, Fred Bletz.

20. After hearing his son's pleas for calm, Fred Bletz began to lower his handgun in an effort to disengage from further confrontation. As Fred Bletz did so, Defendant Gribble fired approximately four shots directly at Fred Bletz. At least one of those shots struck Fred Bletz in his right side, tearing through his abdomen and inflicting a mortal wound which resulted in his death at the scene a number of minutes later.

21. Fred Bletz was pronounced dead in the dining room of his home at 12:30 a.m. on May 4, 2005, by emergency medical personnel who were summoned to the scene after the shooting.



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22. At no time during the above described events of May 3, 2005, and May 4, 2005, did Fred Bletz ever fire a single shot from his handgun, nor was there any bullet in the chamber of his handgun.

23. At no time during the above described events of May 3, 2005, and May 4, 2005, did Fred Bletz ever verbally threaten either Defendant Denny or Defendant Gribble.

24. At no time during the above described events of May 3, 2005, and May 4, 2005, did Defendant Denny ever unholster his service handgun or use any force of any kind against Fred Bletz.

25. At no time during the above described sequence of events did Defendant Denny ever hear Defendant Gribble identify himself as a police officer, nor did Defendant Denny ever identify himself as a police officer.

26. Shortly after Defendant Gribble shot and mortally wounded Fred Bletz, Plaintiff, Kathryn Bletz, entered the dining room and encountered her mortally wounded husband lying on the dining room floor, bleeding and in obvious distress. As she attempted to go to the aid of her husband, Plaintiff Kathryn Bletz, was ordered to lie face down on the floor by Defendant Gribble. Plaintiff, Kathryn Bletz, obeyed this order, after which she was handcuffed by Defendant Denny and hauled away from her husband's side and placed into the Sheriff's patrol car outside the family home. As a result of those actions, Kathryn Bletz was unable to be with her husband as he bled to death on the floor of their dining room.



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27. As a result of the death of Fred Bletz as described above, the Estate of Fred Bletz, Deceased, his wife, his children and other family members have suffered damages and losses for which Plaintiff, Kathryn Bletz, Personal Representative of the Estate of Fred Bletz, Deceased, seeks recovery herein. Said damages include, but are not limited to the following:

- A. The conscious pain and suffering of Fred Bletz from the moment he was shot until he died, as well as his pre-shooting fright and terror;
- B. Funeral and burial expenses incurred by Plaintiff;
- C. The losses suffered by those persons who survived Fred Bletz and who are permitted by law to claim a loss, including, but not limited to the following enumerated losses of those family members previously identified:
 - I. The loss of society, companionship, friendship, love, affection, guidance, counsel and consortium of Fred Bletz;
 - ii. The loss of financial support of Fred Bletz;
 - iii. The loss of services of Fred Bletz; and
 - iv. The loss of gifts and other valuable gratuities provided or reasonably anticipated to be provided by Fred Bletz.



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28. The amount in controversy herein exceeds the sum of Twenty-Five Thousand Dollars and 00/100 (\$25,000.00), exclusive of costs, interest and attorney fees, thereby properly vesting jurisdiction in this Honorable Court.

COUNT I

GROSS NEGLIGENCE AS TO FRED BLETZ

29. Plaintiffs incorporate and adopt by reference paragraphs 1 through 28 as if the same were fully set forth paragraph by paragraph herein.

30. Pursuant to MCL 691.1407, Defendant Denny and Defendant Gribble owed a statutory duty to Fred Bletz to refrain from conducting themselves in a grossly negligent manner so as to demonstrate a substantial lack of concern for whether an injury would result.

31. The conduct of Defendant Denny and Defendant Gribble, as described in the general allegations section of this Complaint, constitutes gross negligence within the meaning of MCL 691.1407.

32. Defendant Denny and Defendant Gribble were also grossly negligent for the reason that they went to the home of Fred and Kathryn Bletz late at night (approximately midnight) while Mr. and Mrs. Bletz were sleeping, and did so for the sole purpose of arresting the son of Mr. and Mrs. Bletz on a bench warrant for a minor offense; that pursuant to those specific intentions, Defendants entered the private home of Mr. and Mrs. Bletz without giving them any warning of their presence on their private property or their entry into their home; that in doing so, Defendants knowingly created an extremely dangerous, volatile and explosive situation that was sure to result in Mr. and Mrs. Bletz being placed in great fear and apprehension for their lives and personal safety such that one or both of them would reasonably feel compelled to take up a firearm to protect themselves and



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their home from a late night intruder; that in so acting, Defendants knowingly created the virtual certainty of an extremely dangerous armed confrontation between themselves and Mr. and Mrs. Bletz who were then and there law abiding citizens that had the clear legal right to use deadly force to protect themselves from persons entering their home late at night without their knowledge.

33. The actions and inactions of Defendant Denny and Defendant Gribble as referenced above were grossly negligent because they constituted conduct that was so reckless it demonstrated Defendants' substantial lack of concern for whether serious injury or death would result from their actions and inactions. As such, Defendants are guilty of an act of gross negligence within the meaning of MCL 691.1407.

34. As a direct and proximate result of the gross negligence of Defendants as more fully described herein, Plaintiff, Kathryn Bletz, Personal Representative of the Estate of Fred Bletz, Deceased, seeks recovery of damages for those injuries and losses more fully described in paragraph 27.

WHEREFORE, Plaintiff, Kathryn Bletz, Personal Representative of the Estate of Fred Bletz, Deceased, prays that damages may be awarded in her favor and against Defendants in such an amount as the trier of fact shall determine to be fair and just, together with interest, costs and reasonable attorney fees.



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COUNT II

ASSAULT AND BATTERY AS TO FRED BLETZ

35. Plaintiffs incorporate and adopt by reference paragraphs 1 through 34 as if the same were fully set forth paragraph by paragraph herein.

36. The actions and conduct of Defendant Gribble as previously described in this Complaint constitute an assault and battery on the person of Fred Bletz for the reason that Defendant Gribble intentionally fired his handgun at Fred Bletz with the specific purpose and intent to seriously wound or kill him. In doing so, he placed Fred Bletz in immediate apprehension for his safety. Moreover, the shooting of Fred Bletz was a willful and intentional act without the consent of Fred Bletz, and, as such, was an assault and battery that caused severe injuries to Fred Bletz resulting in his death.

37. As a direct and proximate result of the assault and battery by Defendant Gribble as more fully described herein, Plaintiff, Kathryn Bletz, Personal Representative of the Estate of Fred Bletz, Deceased, seeks recovery of damages for those injuries and losses more fully described in paragraph 26.

WHEREFORE, Plaintiff, Kathryn Bletz, Personal Representative of the Estate of Fred Bletz, Deceased, prays that damages may be awarded in her favor and against Defendant Gribble, in such an amount as the trier of fact shall determine to be fair and just, together with interest, costs and reasonable attorney fees.



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COUNT III

ASSAULT AND BATTERY, FALSE ARREST AND FALSE IMPRISONMENT AS TO KATHRYN BLETZ

38. Plaintiffs incorporate and adopt by reference paragraphs 1 through 37 as if the same were fully set forth paragraph by paragraph herein.

39. The actions and conduct of Defendant Gribble as described more fully in this Complaint, constitute an unlawful assault and battery, false arrest and false imprisonment of Kathryn Bletz. These unlawful acts occurred immediately after the shooting of Fred Bletz by Defendant Gribble when Defendant Gribble prevented Plaintiff, Kathryn Bletz, from going to the aid of her mortally wounded husband and ordered her to lay face down on the floor, and in so doing, put her in great apprehension for her own safety and well-being; ordered that she be placed in handcuffs; and caused her to be physically and forcefully removed from her home, without her permission, and placed into a sheriff's patrol car.

40. The actions of Defendant Gribble as to Plaintiff, Kathryn Bletz, were intentional actions that were offensive and reprehensible to her and caused her to be in imminent apprehension for her own safety and welfare as well as for the safety and welfare of her husband; that said actions were all perpetrated without her consent; that said actions caused her to be restrained, detained and confined against her will and by actual force that deprived her of her personal liberty and freedom of movement and her desire to go to the assistance of her dying husband. These actions by Defendant Gribble also constituted an arrest of Kathryn Bletz and an imprisonment of her, all of which were unjustified and unlawful.



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41. The actions of Defendant Gribble as referenced herein, caused Plaintiff, Kathryn Bletz, to suffer physical, as well as psychological and emotional injury and trauma, physical pain and suffering, mental anguish, fright and shock, embarrassment, humiliation and mortification.

42. As a direct and proximate result of the assault and battery, false arrest and false imprisonment of Plaintiff, Kathryn Bletz, by Defendant Gribble, Plaintiff, Kathryn Bletz, seeks recovery against Defendant for the damages and losses previously described herein.

WHEREFORE, Plaintiff, Kathryn Bletz, prays that damages may be awarded in her favor and against Defendant Gribble, in such an amount as the trier of fact shall determine to be fair and just, together with interest, costs and reasonable attorney fees.

COUNT IV

BYSTANDER LIABILITY CLAIM AS TO KATHRYN BLETZ

43. Plaintiffs incorporate and adopt by reference paragraphs 1 through 42 as if the same were fully set forth paragraph by paragraph herein.

44. Defendant Gribble's and Defendant Denny's acts of wrongdoing perpetrated as against Fred Bletz, and described previously in this Complaint, were all acts of wrongdoing that were committed in the presence and/or immediate vicinity of Plaintiff, Kathryn Bletz. As a result, Plaintiff, Kathryn Bletz, witnessed the mortal injuries inflicted upon her husband and the severe damages that were



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suffered by him, and did so under conditions that were extraordinarily frightening, shocking and traumatic.

45. As a result of Plaintiff, Kathryn Bletz, having witnessed the aforementioned acts of wrongdoing as perpetrated by the Defendants against her husband, Plaintiff, Kathryn Bletz, sustained significant psychological and emotional injury and damages which have caused her substantial physical and emotional suffering, distress, anguish and upset, all of which have interfered with her ability to live and enjoy her normal life.

46. As a direct and proximate result of having witnessed the aforesaid acts of wrongdoing perpetrated against her husband by Defendants Denny and Gribble, Plaintiff, Kathryn Bletz, seeks recovery of compensation for the aforesaid injuries and damages resulting therefrom.

WHEREFORE, Plaintiff, Kathryn Bletz, prays that damages may be awarded in her favor and against Defendant Gribble and Defendant Denny, in such an amount as the trier of fact shall determine to be fair and just, together with interest, costs and reasonable attorney fees.



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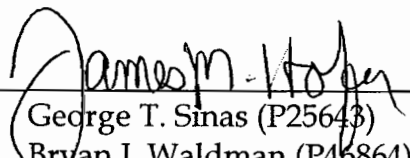
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Respectfully submitted,

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